IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 19044 of 2004

Between:

Smt. Anjoo Sharma, W/o. Rajinder Sharma,
R/o. 6-3-883/2/3, n Panjagutta, Hyderabad - 82.

..... PETITIONER

AND

1 State Bank of India, Balkampet Branch, Swastik Plaza,
Z.R. Nagar, Hyderabad – 38, rep by its Chief
Manager
2 State Bank of India, Local Head Office, Bank Street,
Hyderabad, rep by its General Manager

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order and direction to the respondents to consider and grant one time settlement of the loan account of the petitioner which is relating to the amount covered by O.A.No. 428 of 2001 on the file of Debts Recovery Tribunal, Hyderabad and

consequently direct the respondents to intimate the petitioner about its consent, so that the petitioner can pay the amount.

Counsel for the Petitioner : MR.K.G.SASTRY

Counsel for the Respondents : Smt. C.H. Lakshmi Kumari.

The Court made the following :

ORAL ORDER:

(Per Hon'ble The Chief Justice)

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1. Petitioner is a loanee of 1st respondent – Bank and 1st respondent – Bank in order to ensure recovery of the amount has filed O.A.No.428 of 2001 before Debts Recovery Tribunal, Hyderabad. Petitioner's grievance is that 1st respondent has not taken any decision on the offer which was made to the petitioner on 24.02.2003 and which was accepted by the petitioner on 10.03.2003 and thus seeks a direction against respondent – Bank to accept one time settlement of the loan amount covered by O.A.No.428 of 2001.

2 . By letter dated 24.02.2003 the Bank advised the petitioner to express willingness for settlement of dues on or before 30.04.2003. In response petitioner appears to have sent reply on 10.03.2003. When no action was taken by the Bank, petitioner appears to have sent reminders to the Bank.

Now, after expiration of more than one year, petitioner seeks direction against the Bank.

3. In such like commercial matters, it will not be appropriate for a writ court to issue direction to the Bank when a person like petitioner has not deposited 25% of the amount which, as per the letter dated 24.02.2003, was required to be deposited by the petitioner as a condition precedent for settlement of the dues and moreover the letter also pointed out that settlement would be subject to the consent to be obtained from Debts Recovery Tribunal. Therefore, nothing prevented the petitioner from approaching the Debts Recovery Tribunal where proceedings are pending between the petitioner and the Bank. Accordingly we dismiss the writ petition with liberty reserved to the petitioner to approach the Debts Recovery Tribunal before whom proceedings are pending for appropriate relief in accordance with law. No costs.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 25.10.2004.

VRK.

To

1 The Chief Manager, State Bank of India, Balkampet Branch, Swastik Plaza, Z.R. Nagar, Hyderabad – 38.
2 The General Manager, State Bank of India, Local Head Office, Bank Street, Hyderabad.

3. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.P.NO. 19044 OF 2004.

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(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 25.10.2004.

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